



**OFFICE OF  
THE ATTORNEY GENERAL  
AUSTIN, TEXAS**

PRICE DANIEL  
ATTORNEY GENERAL

January 11, 1947

Hon. A. O. Willman, Director  
Veterans State Service Office  
Land Office Building  
Austin, Texas

Opinion No. V-05

Re: Whether or not it is legal for the Veterans State Service Office to pay out of its expense fund, expenses incurred by employee on temporary duty, such employee being carried on the salary payroll of the Adjutant General's Department.

Dear Mr. Willman:

We beg to acknowledge receipt of your request for an opinion upon the above subject matter, your request being as follows:

"Colonel Thomas W. Gahagen who is employed by the Adjutant General's Department has been assigned to this office on temporary duty effective October 22. Since that time expenses incurred by him while traveling for this office are being paid out of our traveling expense fund.

**QUESTION:** Is it legal for the Veterans' State Service Office to pay out of its expense fund, expenses incurred by an employee while on temporary duty with this office and employee is being carried on the salary payroll of the Adjutant General's Department?"

We beg to advise that the payment of the traveling expense of the employee of the Adjutant General's Department named by you may not be paid from Item 104 -

Hon. A. O. Willman, Page 2

Traveling expenses - of the appropriation for Veterans State Service Office, our reasons therefor being as follows:

It is fundamental law that no monies may be paid from the State Treasury except upon a specific appropriation made by the Legislature for the particular purpose to which it is applied. Item 104 of your appropriation for traveling expense necessarily means that such fund is to be applied to the traveling expense of officers and employees in your Service. As we understand your letter, the facts are that Colonel Gahagen is not an officer or employee whatever of your Service but on the contrary he is an officer or employee of the Adjutant General's Department and his salary is being paid from the appropriate item of the appropriation for that department. While Colonel Gahagen is performing actual services for the benefit of your Service, and while the cooperation in this respect of the Adjutant General's Department is a most worthy one, nevertheless the Comptroller would not be authorized to approve the claim and issue his warrant for Colonel Gahagen's expenses against Item 104 or any other item of the appropriation for the Veterans Service.

This opinion follows opinion #0-7257 by this department to Honorable L. A. Woods, State Superintendent of Public Instruction, wherein we said, "There is in the appropriation for the State Department of Education, for the current biennium, Item 26, - Traveling Expense - \$10,750.00 per annum. The purpose for which that item of appropriation is made is, of course, to pay the traveling expense of employees and representatives of the department. This could not possibly be construed to include the travel expense of persons, however worthy, and however helpful, who were not members or employees of the department."

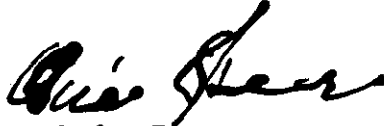
**SUMMARY:** The travel expense of one belonging to the Adjutant General's Department whether as an officer or an employee may not be paid from the appropriation made for travel expense of the Veterans Service Office, such person being neither an officer nor an employee of the Veterans Service Office.

Hon. A. O. Willman, Page 3

Very truly yours

ATTORNEY GENERAL OF TEXAS

By



Ocie Speer  
Assistant

APPROVED JAN. 11, 1947

  
ATTORNEY GENERAL

OS:WB\*

Approved Opinion Committee

By BWB  
Chairman